

Office Action Summary

Application No.

10/682,663

Applicant(s)

CLUBB ET AL.

Examiner

THOMAS M. HAMMOND III

Art Unit

3691

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 5, 7 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 03/07/2008.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 12/12/2007.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the Applicant's response to the First Office Action on the Merits, filed on 12/13/2007.
2. Claims 5, 7, and 17 have been cancelled.
3. Claim 23 has been newly added.
4. Claims 1-4, 6, 8-16, and 18-23 are currently pending and have been examined.

Information Disclosure Statement

5. The Information Disclosure Statement filed on 03/07/2008 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

*****Examiner Notice to Applicant*****

6. The Examiner would like to make of record that the Applicant's response to the First Office Action on the Merits, filed on 12/13/2007, does not constitute a proper reply under MPEP 714.04-714.05, wherein "an amendment failing to point out the patentable novelty which the applicant believes the claims present in view of the state of the art disclosed by the references cited or the objections made may be held to be not fully responsive...". The Examiner, however, has afforded the courtesy of treating the response as a bona fide attempt at compliance in an effort to expedite prosecution, although it is not recognized as such.

Previous Claim Objections

7. Claims 1, 17, 20 and 22 were objected to for minor informalities. The Examiner appreciates the Applicant's prompt attention to these deficiencies and hereby withdraws such objections.

Previous Claim Rejections - 35 USC § 112

8. Claims 1-22 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner appreciates the Applicant's prompt attention to these deficiencies. However, the deficiencies of claim 18 were not completely reconciled. Accordingly the Examiner hereby withdraws the rejections of claims 1-17 and 19-22 and upholds the rejection for claim 18.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by *Barak et al.*, *US Patent No. 6,788,772*.

As per claim 21***Barak teaches:***

- A master wallet (see at least column 6, lines 14-57)
- At least two shadow wallets (see at least column 6, lines 14-57)
- Said master wallet is programmed to comprise a resource (see at least column 6, lines 14-57)
- Said master wallet is programmed to allocate a subset of said resource (loan) to each of at least two shadow wallets (see at least column 6, lines 14-57)
- Said system is programmed to process one or more requests against the loan residing on at least one of at least two shadow wallets, wherein when one or more of the requests reduces the resource loan in at least one of said at least two shadow wallets, and said reduced resource loan in at least one of said at least two shadow wallets creates a shadow wallet fragment for each of the at least two shadow wallets containing a reduced portion of the original loan (see at least column 6, lines 14-57)

Art Unit: 3691

- Wherein one or more of said at least two shadow wallets and said shadow wallet fragment found within said computerized system can be in one or more states comprising: (see at least column 6, lines 14-57)
 - o A new request stat for creating a new shadow wallet containing a loan
 - o An open/more state wherein one or more of said at least two shadow wallets and said shadow wallet fragment contains more loan and said more loan has no additional requests pending
 - o An open/more/request state wherein one or more of said at least two shadow wallets and said shadow wallet fragment contains more loan and a request for a loan change is pending against said more loan in one or more of said shadow wallet and said shadow wallet fragment
 - o An open/no-more state wherein one or more of said at least two shadow wallets and said shadow wallet fragment is open for use but contains no more loan available therein
 - o A closed state wherein no more loan is available and no new requests can be set against said at least two shadow wallets and said shadow wallet fragment containing no more loan available
 - o A return state wherein one or more of said shadow wallet and said shadow wallet fragment is passing back to the master wallet and no additional requests can be set against a returning shadow wallet
 - o A purged shadow wallet state, wherein one or more of said shadow wallet and said shadow wallet fragment is purged and said master wallet has taken control of any resource from a purged shadow wallet

As per claim 22***Barak teaches:***

- A master wallet (see at least column 3, lines 19-49)
- At least one shadow wallet (see at least column 3, lines 19-49)

Art Unit: 3691

- Said system is programmed to process a request wherein said request includes an identifier (see at least column 3, lines 19-49)
- Said master wallet is associated with a group of identifiers (master group) (see at least column 3, lines 19-49)
- Said master wallet is programmed to comprise a resource (see at least column 3, lines 19-49)
- Said master wallet is programmed to allocate a subset of said resource (loan) to said at least one shadow wallet (see at least column 6, lines 14-57)
- Said system is programmed to process said request against the loan residing on said at least one shadow wallet (see at least column 6, lines 14-57)
- Said system is programmed to process said request for an event that is a non-chargeable use of a normally chargeable event (see at least column 3, lines 50-67)

As per claim 23***Barak teaches:***

- A master wallet (see at least column 2, lines 17-37)
- At least one shadow wallet associated with said master wallet (see at least column 2, lines 17-37)
- Said master wallet and said at least one shadow wallet is created on said system when a consumer purchases at least one product, wherein the purchase entitles said consumer to an allowance for future use of said at least one product and at least one identifier associating the consumer with said at least one product and said allowance (see at least column 2, lines 17-37)
- Said master wallet is programmed to allocated a subset of said allowance (loan) to each of said at least one shadow wallet (see at least column 2, lines 17-37)
- Said system is programmed to process a request against said loan residing on at least one of said at least one shadow wallet when said at least one product is used by said consumer, wherein said request includes an identifier associating said consumer with use of the at least one product (see at least column 2, lines 17-37)

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 15, 16, 18, 19, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barak, in view of, Nelson, US Patent No. 6,529,593.

As per claim 1***Barak teaches:***

- A master wallet (see at least column 2, lines 17-37)
- At least two shadow wallets (see at least column 2, lines 17-37)
- Said system is programmed to process a request wherein said request includes a identifier (see at least column 1, lines 47-67)
- Said master wallet is associated with a group of identifiers (master group) (see at least column 1, lines 47-67)
- Said master wallet is programmed to comprise a resource (see at least column 4, lines 59-67; column 3, lines 19-34)
- Said master wallet is programmed to allocate a subset of said resource (loan) to each of said at least two shadow wallets (see at least column 3, lines 35-49)
- Said system is programmed to process said request against the loan residing on one of said shadow wallets (see at least column 4, lines 46-60)

Art Unit: 3691

Barak does not teach:

- Wherein when any of said shadow wallets fail (failed shadow wallet) due to a failure of a portion or the computer system containing said shadow wallet, said system is programmed to:
 - o Create a replacement shadow wallet within the computerized system to replace said failed shadow wallet
 - o To allocate to said replacement shadow wallet a subset of said loan (loan subset) allocated to said failed shadow wallet

Nelson teaches:

- Wherein when any of said shadow wallets fail (failed shadow wallet) due to a failure of a portion or the computer system containing said shadow wallet, said system is programmed to:
 - o Create a replacement shadow wallet within the computerized system to replace said failed shadow wallet (see at least column 5, lines 10-53)
 - o To allocate to said replacement shadow wallet a subset of said loan (loan subset) allocated to said failed shadow wallet (see at least column 5, lines 10-53)

However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add to the teachings of Barak, the teachings of Nelson shown above. One would have been motivated to do so to enable consumers to control the resources in their accounts (see at least Nelson column 5, lines 10-53)

As per claim 15

Barak, in view of Nelson, teaches the system of claim 1, as described above.

Nelson further teaches:

- When any of said shadow wallets fail (failed shadow wallet), said system may be programmed to create a replacement shadow wallet (see at least column 5, lines 10-53)
- Said system is programmed to allocate to said replacement shadow wallet a subset of said loan (loan subset) allocated to said failed shadow wallet (see at least column 5, lines 10-53)

Art Unit: 3691

As per claim 16

Barak, in view of Nelson, teaches the system of claim 15, as described above.

Nelson further teaches:

- Said system is programmed to allocate said loan subset when an unused portion of said failed shadow wallet's loan is unknown at failure (see at least column 5, lines 10-53)

As per claim 18

Barak, in view of Nelson, teaches the system of claim 1, as described above.

Nelson further teaches:

- Wherein said system is programmed send a message to said shadow wallet if said shadow wallet has exclusive access to said master wallet (see at least column 5, lines 10-28)

As per claim 19

Barak, in view of Nelson, teaches the system of claim 1, as described above.

Barak further teaches:

- When said shadow wallet fails, said master wallet grants a transient, overdraft loan to said new shadow wallet when a loan state of the failed shadow wallet is unknown (see at least column 5, lines 6-54)

As per claim 6

Barak teaches the system of claim 23, as described above.

Barak does not teach:

- Wherein any of said shadow wallets requests (requesting shadow wallet) an additional loan from said master wallet
- When said master wallet comprises any unclaimed resource, then the system is programmed to cause the master wallet to grant said additional loan to said requesting shadow wallet

Art Unit: 3691

Nelson teaches:

- Wherein any of said shadow wallets requests (requesting shadow wallet) an additional loan from said master wallet (see at least Figure 4B and associated text)
- When said master wallet comprises any unclaimed resource, then the system is programmed to cause the master wallet to grant said additional loan to said requesting shadow wallet (see at least Figure 4B and associated text)

However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add to the teachings of Barak, the teachings of Nelson shown above. One would have been motivated to do so to enable consumers to control the resources in their accounts (see at least Nelson column 5, lines 10-53)

As per claim 9

Barak teaches the system of claim 23, as described above.

Barak does not teach:

- Said purchase of said product includes a validity period which is passed to said shadow wallets along with said loans
- Said system is programmed to disregard any amounts, contained in an loan, that are outside of said validity period

Nelson teaches:

- Said purchase of said product includes a validity period which is passed to said shadow wallets along with said loans (see at least Figures 4A & 4B and associated text)
- Said system is programmed to disregard any amounts, contained in an loan, that are outside of said validity period (see at least Figures 4A & 4B and associated text)

However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add to the teachings of Barak, the teachings of Nelson shown above. One would have been motivated to do

Art Unit: 3691

so to enable consumers to control the resources in their accounts (see at least Nelson column 5, lines 10-53)

13. Claims 10-11, 20, 2-4, 8, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Barak*, in view of, *Nelson*, in further view of, *BellSouth News Release*, 10/19/2000.

As per claim 10

Barak, in view of Nelson, teaches the system of claim 1, as described above.

Barak does not teach:

- Wherein said system is programmed to reclaim said loan from said shadow wallet and mark any unused portion thereof as available in said master wallet

BellSouth teaches:

- Wherein said system is programmed to reclaim said loan from said shadow wallet and mark any unused portion thereof as available in said master wallet (see at least page 2, "Rollover Minutes")

However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add to the teachings of Barak and Nelson, the teachings of BellSouth shown above. One would have been motivated to do so to enable consumers to control the resources in their accounts (see at least Nelson column 5, lines 10-53)

As per claim 11

Barak, in view of Nelson, teaches the system of claim 1, as described above.

Barak further teaches:

- When any of said shadow wallets fail (failed shadow wallet), said system may be programmed to notify said master wallet (see at least column 3, lines 19-49)

Art Unit: 3691

Barak does not teach:

- Updating said resource on said master wallet with any unused loan from said failed shadow wallet

BellSouth teaches:

- Updating said resource on said master wallet with any unused loan from said failed shadow wallet (see at least page 2, "Rollover Minutes")

However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add to the teachings of Barak and Nelson, the teachings of BellSouth shown above. One would have been motivated to do so to enable consumers to control the resources in their accounts (see at least Nelson column 5, lines 10-53)

As per claim 20

Claim 20 is interpreted by the Examiner to encompass substantially the same scope as claims 1 and 10. Accordingly, claim 20 is rejected in substantially the same manner as claims 1 and 10.

As per claim 2

Barak, in view of Nelson, in further view of Bell South, teaches the system of claim 20, as described above.

Barak further teaches:

- Various system configurations adaptable to distribute servers (wallets) in an optimal manner (see at least column 10, lines 1-14)

Barak does not teach:

- Said shadow wallet is placed between said master wallet and a user associated with said identifier to speed up the real-time processing of requests by pre-loading components in an abbreviated path

Art Unit: 3691

However, the Examiner takes OFFICIAL NOTICE that such a configuration is old and well known in the computer networking art. A simple example of this is done with a cache browser memory, whereby web page data is stored locally (between the user and master database) so that the information can be pre-loaded from such location quicker than accessing the master database. Furthermore, one would have been motivated to use this readily available technology because of its obvious efficiency advantages that are well documented and practiced in the art.

As per claims 3-4

Barak, in view of Nelson, in further view of Bell South, teaches the system of claim 20, as described above.

Barak further teaches:

- Said system is programmed to notify said master wallet as said loan on said shadow wallet is consumed (see at least column 8, lines 35-61)
- Said system is programmed to create at least one additional shadow wallet (see at least column 3, lines 35-44)
- Said system is programmed to reallocate subsets of said resource from said master wallet across said shadow wallets including said at least one additional shadow wallet (see at least column 3, lines 35-44)

As per claim 8

Barak, in view of Nelson, in further view of Bell South, teaches the system of claim 20, as described above.

Nelson further teaches:

- Said master wallet can have a second shadow wallet and when any of said shadow wallets requests (requesting shadow wallet) an additional loan from an unused portion of any loan in another shadow wallet (see at least column 6, lines 23-57)

Art Unit: 3691

- Said system is programmed to cause said second shadow wallet to transfer said unused loan to said requesting shadow wallet (see at least column 6, lines 23-57)

As per claim 12

Barak, in view of Nelson, in further view of Bell South, teaches the system of claim 20, as described above.

Barak further teaches:

- Prior to returning said loan to said master wallet, said system is programmed to grant an additional loan from said master wallet to any of said shadow wallets when said shadow wallet's loan falls below a predetermined minimum where such minimum is one or more of: an absolute value, or based on a derived value such as a percentage, or a usage rate (see at least column 5, lines 6-30)

As per claim 13

Barak, in view of Nelson, in further view of Bell South, teaches the system of claim 12, as described above.

Barak does not teach:

- Wherein said system is programmed to grant said additional loan only if said resource existing (existing resource) in said master wallet is greater than or equal to said additional loan

However, the Examiner takes OFFICIAL NOTICE that this limitation, commonly referred to as overdraft protection, is old and well known in art of banking and finance. Furthermore, one would have been motivated to do so to enable consumers to control the resources in their accounts (see at least Nelson column 5, lines 10-53)

Art Unit: 3691

As per claim 14

Barak, in view of Nelson, in further view of Bell South, teaches the system of claim 12, as described above.

Barak does not teach:

- When said existing resource is less than said additional loan, said system is programmed to obtain said additional loan from any of said at least one other shadow wallet

However, the Examiner takes OFFICIAL NOTICE that this limitation, also commonly referred to as overdraft protection, is old and well known in art of banking and finance. Furthermore, one would have been motivated to do so to enable consumers to control the resources in their accounts (see at least Nelson column 5, lines 10-53)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Hammond III whose telephone number is 571-270-1829. The examiner can normally be reached on Monday - Thursday, 7AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas M Hammond III

Patent Examiner, Art Unit 3691

US Patent & Trademark Office

03/06/2008

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691